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September 17, 2004

VIA FACSIMILE

To: Examiner Erik J. Kielin
Group Art Unit No. 2813
U.S.P.T.O.

Facsimile No.: (571) 273-1693

From: Sean M. McGinn

Facsimile No.: (703) 761-2375

Re: Enclosed Terminal Disclaimers
U.S. Patent Application Serial No. 09/902,783
Our Reference: YOR.129CIP

Dear Examiner Kielin:

Pursuant to your recent request, attached are copies of five Terminal Disclaimers (and date-stamped post card receipt) filed on August 25, 2004, responsive to the May 25, 2004 Office Action, which should place the above-referenced case in condition for allowance.

Thank you in advance for your kind consideration on this case.

Very truly yours,



Sean M. McGinn

SMM:abs
Enclosures

Total No. of Pages Transmitted: 7

YOR.12 ACIP
Serial Number: 09 902,483 Attorney's Post Card Filing Receipt
Papers Filed On: 8/25/04

Attorney's Docket Number: YOR91999010805 ☒ Patent ☐ Trademark

Applicant's Name: Cabral et al. Application Filing Date: 7/11/04

Papers Filed Herewith:

<input type="checkbox"/> Amendment	<input type="checkbox"/> Request for Extension of Time	<input type="checkbox"/> CPA Request
<input type="checkbox"/> Notice of Appeal	<input type="checkbox"/> Appeal Brief (in triplicate)	<input type="checkbox"/> Reply Brief
<input type="checkbox"/> IDS AUG 25 2004	<input type="checkbox"/> 1449 Form w/ Documents	<input type="checkbox"/> Priority Document(s)
<input type="checkbox"/> Assignment	<input type="checkbox"/> Recordation Cover Sheet	<input type="checkbox"/> Formal Drawings
<input type="checkbox"/> Drawing Corrections	<input type="checkbox"/> Issue Fee Transmittal	<input type="checkbox"/> Missing Parts
<input checked="" type="checkbox"/> Other <u>Terminal Disclaimers (5)</u>		

Fees Filed Herewith: \$ 550 ☐ Check ☒ Charge Deposit Account: 50.00

Hand Delivered

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket No.

YOR919990408US2

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SEP 17 2004

In re Application of: Cabral et al.

Application No. 09/902,483

Filed: July 11, 2001

For: **SELF-ALIGNED SILICIDE (SALICIDE) PROCESS FOR LOW RESISTIVITY CONTACTS TO THIN FILM
SILICON-ON-INSULATOR AND BULK MOSFETS AND FOR SHALLOW JUNCTIONS**

The owner, International Business Machines Corporation of 100.00 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/287,476, filed on November 5, 2002. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.
3. Owner/applicant is ☐ Small entity ☒ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is \$110.00 and is to be paid as follows:☐ A check in the amount of the fee is enclosed.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0510.

PTO suggested wording for terminal disclaimer was

☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)


Signature

Dated: August 25, 2004

Name and Address of Person Signing

Sean M. McGinn
Registration No. 34,386
McGinn & Gibb, PLLC
8321 Old Courthouse Road
Suite 200
Vienna, VA 22182-3817
Customer No. 21254

I certify that this document and fee is being deposited on with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**Docket No.
YOR919990408US2**RECEIVED**
CENTRAL FAX CENTER
SEP 17 2004In re Application of: **Cabral et al.**Application No. **09/902,483**Filed: **July 11, 2001**For: **SELF-ALIGNED SILICIDE (SALICIDE) PROCESS FOR LOW RESISTIVITY CONTACTS TO THIN FILM
SILICON-ON-INSULATOR AND BULK MOSFETS AND FOR SHALLOW JUNCTIONS**

The owner, **International Business Machines Corporation** of **100.00** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number **10/299,688**, filed on **November 20, 2002**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.
3. Owner/applicant is ☐ Small entity ☒ Large entity

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☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number **50-0510**.

PTO suggested wording for terminal disclaimer was

☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)


Dated: **August 25, 2004**

Name and Address of Person Signing

Sean M. McGinn
Registration No. 34,386
McGinn & Gibb, PLLC
8321 Old Courthouse Road
Suite 200
Vienna, VA 22182-3817
Customer No. 21254

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Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

**Docket No.
YOR919990408US2**

In re Application of: **Cabral et al.**

Application No. **09/902,483**

Filed: **July 11, 2001**

For: **SELF-ALIGNED SILICIDE (SALICIDE) PROCESS FOR LOW RESISTIVITY CONTACTS TO THIN FILM
SILICON-ON-INSULATOR AND BULK MOSFETS AND FOR SHALLOW JUNCTIONS**

The owner, International Business Machines Corporation of 100.00 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/569,306, filed on May 11, 2000. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

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2. ☒ The undersigned is an attorney of record.

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PTO suggested wording for terminal disclaimer was

☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)

Sean M. McGinn
Signature

Dated: August 25, 2004

Name and Address of Person Signing

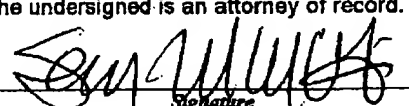
Sean M. McGinn
Registration No. 34,386
McGinn & Gibb, PLLC
8321 Old Courthouse Road
Suite 200
Vienna, VA 22182-3817
Customer No. 21254

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Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

P28/REV01

Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent			Docket No. YOR919990408US2
In Re Application Of: Cabral et al.			RECEIVED CENTRAL FAX CENTER SEP 17 2004
Serial No. 09/902,483	Filing Date July 11, 2001	Examiner Eric J. Kielin	Group Art Unit 2813
Invention: SELF-ALIGNED SILICIDE (SALICIDE) PROCESS FOR LOW RESISTIVITY CONTACTS TO THIN SILICON-ON-INSULATOR AND BULK MOSFETS AND FOR SHALLOW JUNCTIONS			
Owner of Record: International Business Machines Corporation			
<p align="center"><u>TO THE COMMISSIONER FOR PATENTS:</u></p> <p>The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,503,833 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record.</p> <p align="center"> _____ Sean M. McGinn, Registration No. 34,386 Typed or Printed Name</p> <p align="right">Dated: August 25, 2004</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. <input type="checkbox"/> PTO suggested wording for terminal disclaimer was unchanged. Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.</p>			

**Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior Patent**Docket No.
YOR919990408US2In Re Application Of: **Cabral et al.**Serial No.
09/902,483Filing Date
July 11, 2001Examiner
Eric J. KielinGroup Art Unit
2813**Invention: SELF-ALIGNED SILICIDE (SALICIDE) PROCESS FOR LOW RESISTIVITY CONTACTS TO THIN SILICON-ON-INSULATOR AND BULK MOSFETS AND FOR SHALLOW JUNCTIONS****Owner of Record: International Business Machines Corporation****TO THE COMMISSIONER FOR PATENTS:**

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,444,578 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

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2. ☒ The undersigned is an attorney of record.


SignatureDated: **August 25, 2004****Sean M. McGinn, Registration No. 34,386**

Typed or Printed Name

- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
☐ PTO suggested wording for terminal disclaimer was unchanged.
Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.